

**To:** O'Connor, Darcy[oconnor.darcy@epa.gov]; Schuller, Jennifer[Schuller.Jennifer@epa.gov];  
Rothery, Deirdre[Rothery.Deirdre@epa.gov]  
**Cc:** Logan, Paul[Logan.Paul@epa.gov]  
**From:** Sutin, Elyana  
**Sent:** Fri 4/1/2016 2:15:03 PM  
**Subject:** Fwd: U&O FIP status

FYI.

Elyana

Sent from my iPhone

Begin forwarded message:

**From:** "Schmidt, Lorie" <Schmidt.Lorie@epa.gov>  
**Date:** April 1, 2016 at 7:58:27 AM MDT  
**To:** "Sutin, Elyana" <Sutin.Elyana@epa.gov>  
**Cc:** "Zenick, Elliott" <Zenick.Elliott@epa.gov>, "Logan, Paul" <Logan.Paul@epa.gov>  
**Subject:** Re: U&O FIP status

Thanks Elyana. We will look this and get back to you.

Lorie J. Schmidt  
Associate General Counsel for Air and Radiation  
Office of General Counsel  
US Environmental Protection Agency  
(202)564-1681

Sent from my iPhone

On Mar 31, 2016, at 5:58 PM, Sutin, Elyana <Sutin.Elyana@epa.gov> wrote:

Lorie and Elliott,

I am hoping you can help the Region and OAR with expediting OGC concurrence on the U&O FIP. Everyone is anxious to get the package to Janet. I understand that Rick has been tied up with the national rules and that has delayed his review. While I do appreciate how busy Rick is, it's my understanding that he made a commitment to the Region that he would have his review done by Monday 3/28. To my knowledge, Rick is still reviewing.

Given that you and Elliott also need to concur, I thought it might help to send you information on the FIP in advance of the document coming your way. The cover memo to the FIP and an OAR Fact Sheet are attached to give you some background. I know the FIP is not new to you but reviewing these documents may be handy as you prepare to concur. The Region wants to streamline the review as much as possible since we are falling behind on the schedule.

Of course any guidance you can give to Rick is also very much appreciated.

Please let me know if you have any questions or if we need to discuss further.

Thanks,

Elyana Sutin | EPA Region 8

Acting Deputy Regional Counsel

303.312.6899 | [sutin.elyana@epa.gov](mailto:sutin.elyana@epa.gov)

**From:** Cyran, Carissa

**Sent:** Thursday, March 31, 2016 1:44 PM

**To:** Vetter, Rick <[Vetter.Rick@epa.gov](mailto:Vetter.Rick@epa.gov)>; Rothery, Deirdre <[Rothery.Deirdre@epa.gov](mailto:Rothery.Deirdre@epa.gov)>; Varilek, Kimberly <[Varilek.Kimberly@epa.gov](mailto:Varilek.Kimberly@epa.gov)>; Boydston, Michael <[Boydston.Michael@epa.gov](mailto:Boydston.Michael@epa.gov)>; O'Connor, Darcy <[oconnor.darcy@epa.gov](mailto:oconnor.darcy@epa.gov)>; Beeler, Cindy <[Beeler.Cindy@epa.gov](mailto:Beeler.Cindy@epa.gov)>; Smith, Claudia <[Smith.Claudia@epa.gov](mailto:Smith.Claudia@epa.gov)>; Daly, Carl <[Daly.Carl@epa.gov](mailto:Daly.Carl@epa.gov)>; Matsumoto, Kimi <[Matsumoto.Kimi@epa.gov](mailto:Matsumoto.Kimi@epa.gov)>; Siegal, Tod <[Siegal.Tod@epa.gov](mailto:Siegal.Tod@epa.gov)>

**Cc:** Sutin, Elyana <[Sutin.Elyana@epa.gov](mailto:Sutin.Elyana@epa.gov)>; Zenick, Elliott <[Zenick.Elliott@epa.gov](mailto:Zenick.Elliott@epa.gov)>; Iglesias, Amber <[Iglesias.Amber@epa.gov](mailto:Iglesias.Amber@epa.gov)>

**Subject:** RE: U&O FIP status

Thank you for the quick update Rick and Deirdre. We definitely want OGC's concurrence before giving to Janet.

**From:** Vetter, Rick  
**Sent:** Thursday, March 31, 2016 3:41 PM  
**To:** Rothery, Deirdre <[Rothery.Deirdre@epa.gov](mailto:Rothery.Deirdre@epa.gov)>; Cyran, Carissa <[Cyran.Carissa@epa.gov](mailto:Cyran.Carissa@epa.gov)>; Varilek, Kimberly <[Varilek.Kimberly@epa.gov](mailto:Varilek.Kimberly@epa.gov)>; Boydston, Michael <[Boydston.Michael@epa.gov](mailto:Boydston.Michael@epa.gov)>; O'Connor, Darcy <[oconnor.darcy@epa.gov](mailto:oconnor.darcy@epa.gov)>; Beeler, Cindy <[Beeler.Cindy@epa.gov](mailto:Beeler.Cindy@epa.gov)>; Smith, Claudia <[Smith.Claudia@epa.gov](mailto:Smith.Claudia@epa.gov)>; Daly, Carl <[Daly.Carl@epa.gov](mailto:Daly.Carl@epa.gov)>; Matsumoto, Kimi <[Matsumoto.Kimi@epa.gov](mailto:Matsumoto.Kimi@epa.gov)>; Siegal, Tod <[Siegal.Tod@epa.gov](mailto:Siegal.Tod@epa.gov)>  
**Cc:** Sutin, Elyana <[Sutin.Elyana@epa.gov](mailto:Sutin.Elyana@epa.gov)>; Zenick, Elliott <[Zenick.Elliott@epa.gov](mailto:Zenick.Elliott@epa.gov)>; Iglesias, Amber <[Iglesias.Amber@epa.gov](mailto:Iglesias.Amber@epa.gov)>  
**Subject:** RE: U&O FIP status

All,

I am working my way through the document. I'll try to finish by the end of the work day, but while I am making good progress, I cannot promise that I will in fact be able to do so. Just to be clear, I don't have the authority to concur on behalf of OGC. All I can do is recommend to Elliott and Lorie Schmidt that OGC concur and I fully expect to do that. Hopefully, that will be sufficient for Janet to accept the package. Once again into the breach.

Rick

Richard H. Vetter

Richard H. Vetter

Attorney Advisor

Air & Radiation Law Office

Office of General Counsel

[vetter.rick@epa.gov](mailto:vetter.rick@epa.gov)

919-541-2127

**From:** Rothery, Deirdre  
**Sent:** Thursday, March 31, 2016 3:36 PM  
**To:** Cyran, Carissa <[Cyran.Carissa@epa.gov](mailto:Cyran.Carissa@epa.gov)>; Varilek, Kimberly <[Varilek.Kimberly@epa.gov](mailto:Varilek.Kimberly@epa.gov)>; Boydston, Michael <[Boydston.Michael@epa.gov](mailto:Boydston.Michael@epa.gov)>; O'Connor, Darcy <[oconnor.darcy@epa.gov](mailto:oconnor.darcy@epa.gov)>; Beeler, Cindy <[Beeler.Cindy@epa.gov](mailto:Beeler.Cindy@epa.gov)>; Smith, Claudia <[Smith.Claudia@epa.gov](mailto:Smith.Claudia@epa.gov)>; Daly, Carl <[Daly.Carl@epa.gov](mailto:Daly.Carl@epa.gov)>; Matsumoto, Kimi <[Matsumoto.Kimi@epa.gov](mailto:Matsumoto.Kimi@epa.gov)>; Vetter, Rick <[Vetter.Rick@epa.gov](mailto:Vetter.Rick@epa.gov)>; Siegal, Tod <[Siegal.Tod@epa.gov](mailto:Siegal.Tod@epa.gov)>  
**Cc:** Sutin, Elyana <[Sutin.Elyana@epa.gov](mailto:Sutin.Elyana@epa.gov)>; Zenick, Elliott <[Zenick.Elliott@epa.gov](mailto:Zenick.Elliott@epa.gov)>; Iglesias, Amber <[Iglesias.Amber@epa.gov](mailto:Iglesias.Amber@epa.gov)>  
**Subject:** RE: U&O FIP status

Hi Carissa,

Thanks for checking in on the status of the U&O FIP. We are awaiting final concurrence from Rick Vetter. I understand he is currently reviewing the document.

Take care,

Dee

**From:** Cyran, Carissa  
**Sent:** Thursday, March 31, 2016 1:34 PM  
**To:** Varilek, Kimberly <[Varilek.Kimberly@epa.gov](mailto:Varilek.Kimberly@epa.gov)>; Boydston, Michael <[Boydston.Michael@epa.gov](mailto:Boydston.Michael@epa.gov)>; Rothery, Deirdre <[Rothery.Deirdre@epa.gov](mailto:Rothery.Deirdre@epa.gov)>; O'Connor, Darcy <[oconnor.darcy@epa.gov](mailto:oconnor.darcy@epa.gov)>; Beeler, Cindy <[Beeler.Cindy@epa.gov](mailto:Beeler.Cindy@epa.gov)>; Smith, Claudia <[Smith.Claudia@epa.gov](mailto:Smith.Claudia@epa.gov)>; Daly, Carl <[Daly.Carl@epa.gov](mailto:Daly.Carl@epa.gov)>; Matsumoto, Kimi <[Matsumoto.Kimi@epa.gov](mailto:Matsumoto.Kimi@epa.gov)>; Vetter, Rick <[Vetter.Rick@epa.gov](mailto:Vetter.Rick@epa.gov)>; Siegal, Tod <[Siegal.Tod@epa.gov](mailto:Siegal.Tod@epa.gov)>  
**Cc:** Sutin, Elyana <[Sutin.Elyana@epa.gov](mailto:Sutin.Elyana@epa.gov)>; Zenick, Elliott <[Zenick.Elliott@epa.gov](mailto:Zenick.Elliott@epa.gov)>; Iglesias, Amber <[Iglesias.Amber@epa.gov](mailto:Iglesias.Amber@epa.gov)>  
**Subject:** RE: U&O FIP status

Hello,

Just checking in to see what the status is on a revised version. Thank you.

Carissa

**From:** Varilek, Kimberly  
**Sent:** Tuesday, March 29, 2016 11:24 AM  
**To:** Cyran, Carissa <[Cyran.Carissa@epa.gov](mailto:Cyran.Carissa@epa.gov)>; Boydston, Michael <[Boydston.Michael@epa.gov](mailto:Boydston.Michael@epa.gov)>; Rothery, Deirdre <[Rothery.Deirdre@epa.gov](mailto:Rothery.Deirdre@epa.gov)>; O'Connor, Darcy <[oconnor.darcy@epa.gov](mailto:oconnor.darcy@epa.gov)>; Beeler, Cindy <[Beeler.Cindy@epa.gov](mailto:Beeler.Cindy@epa.gov)>; Smith, Claudia <[Smith.Claudia@epa.gov](mailto:Smith.Claudia@epa.gov)>; Daly, Carl <[Daly.Carl@epa.gov](mailto:Daly.Carl@epa.gov)>; Matsumoto, Kimi <[Matsumoto.Kimi@epa.gov](mailto:Matsumoto.Kimi@epa.gov)>; Vetter, Rick <[Vetter.Rick@epa.gov](mailto:Vetter.Rick@epa.gov)>; Siegal, Tod <[Siegal.Tod@epa.gov](mailto:Siegal.Tod@epa.gov)>  
**Cc:** Sutin, Elyana <[Sutin.Elyana@epa.gov](mailto:Sutin.Elyana@epa.gov)>; Zenick, Elliott <[Zenick.Elliott@epa.gov](mailto:Zenick.Elliott@epa.gov)>; Iglesias, Amber <[Iglesias.Amber@epa.gov](mailto:Iglesias.Amber@epa.gov)>  
**Subject:** RE: U&O FIP status

Good morning – I sent around responses last week, but didn't update the SharePoint document, so I went back and updated the SharePoint document this morning. I'm sure both Kimi & Tod may want to review the final comments and suggestions to pages 9 and 29 of the SharePoint document.

Thanks! – Kim V.

Kimberly D. Varilek

Associate Regional Counsel

EPA Region 8 - Office of Regional Counsel

1595 Wynkoop St.

Denver, CO 80202

(303) 312-6264

**From:** Cyran, Carissa  
**Sent:** Tuesday, March 29, 2016 8:36 AM  
**To:** Boydston, Michael <[Boydston.Michael@epa.gov](mailto:Boydston.Michael@epa.gov)>; Rothery, Deirdre <[Rothery.Deirdre@epa.gov](mailto:Rothery.Deirdre@epa.gov)>; O'Connor, Darcy <[oconnor.darcy@epa.gov](mailto:oconnor.darcy@epa.gov)>; Beeler, Cindy <[Beeler.Cindy@epa.gov](mailto:Beeler.Cindy@epa.gov)>; Smith, Claudia <[Smith.Claudia@epa.gov](mailto:Smith.Claudia@epa.gov)>; Daly, Carl <[Daly.Carl@epa.gov](mailto:Daly.Carl@epa.gov)>; Varilek, Kimberly <[Varilek.Kimberly@epa.gov](mailto:Varilek.Kimberly@epa.gov)>; Matsumoto, Kimi <[Matsumoto.Kimi@epa.gov](mailto:Matsumoto.Kimi@epa.gov)>; Vetter, Rick <[Vetter.Rick@epa.gov](mailto:Vetter.Rick@epa.gov)>  
**Cc:** Sutin, Elyana <[Sutin.Elyana@epa.gov](mailto:Sutin.Elyana@epa.gov)>; Zenick, Elliott <[Zenick.Elliott@epa.gov](mailto:Zenick.Elliott@epa.gov)>; Iglesias, Amber <[Iglesias.Amber@epa.gov](mailto:Iglesias.Amber@epa.gov)>  
**Subject:** RE: U&O FIP status

Good morning,

I just wanted to check in to see if OGC had any further edits to the rule package. If not, I will give it to Janet tonight to review and hopefully sign.

Thanks.

Carissa

**From:** Boydston, Michael  
**Sent:** Thursday, March 24, 2016 3:34 PM  
**To:** Rothery, Deirdre <[Rothery.Deirdre@epa.gov](mailto:Rothery.Deirdre@epa.gov)>; O'Connor, Darcy <[oconnor.darcy@epa.gov](mailto:oconnor.darcy@epa.gov)>; Beeler, Cindy <[Beeler.Cindy@epa.gov](mailto:Beeler.Cindy@epa.gov)>; Smith, Claudia <[Smith.Claudia@epa.gov](mailto:Smith.Claudia@epa.gov)>; Daly, Carl <[Daly.Carl@epa.gov](mailto:Daly.Carl@epa.gov)>; Varilek, Kimberly <[Varilek.Kimberly@epa.gov](mailto:Varilek.Kimberly@epa.gov)>; Matsumoto, Kimi <[Matsumoto.Kimi@epa.gov](mailto:Matsumoto.Kimi@epa.gov)>; Vetter, Rick <[Vetter.Rick@epa.gov](mailto:Vetter.Rick@epa.gov)>  
**Cc:** Cyran, Carissa <[Cyran.Carissa@epa.gov](mailto:Cyran.Carissa@epa.gov)>; Sutin, Elyana <[Sutin.Elyana@epa.gov](mailto:Sutin.Elyana@epa.gov)>; Zenick, Elliott <[Zenick.Elliott@epa.gov](mailto:Zenick.Elliott@epa.gov)>  
**Subject:** U&O FIP status

Hi everyone –

Carissa, from the OAR Immediate Office, called to let me know that they have received the package and that it will shortly be going to Janet for her review — probably in her weekend reading package. I explained that while OGC has seen the document at various stages and had input, they have not concurred yet; that Rick is

our primary OGC contact on this; and that we are hoping to get his comments, if any, on Monday.

I'm sending this email because I'll be out of the office on vacation next week and want to be sure everyone knows the status and points of contact.

- If anyone has non-legal questions for R8 about the FIP, I'd suggest reaching out to Dee Rothery (303-312-6431) first, and if Dee is not available, then to Claudia Smith (303-312-6520).
- If there are legal questions for R8, please contact Elyana Sutin ( 303-312-6899); Kimi and Kim have both reviewed the FIP too, but Elyana is probably in the best position to figure out who in our office can help field particular questions.
- R8: If you need to check in with OAR IO, Carissa's number is 202-564-5437.

Thanks Carissa and Rick for all of your work on this and assistance with the tight schedule.

---

Michael Boydston

Associate Regional Counsel, EPA Region 8

303.312.7103

<AdministratorSignatureActionMemoUOFIPProposed Rule.docx>

<OAR Fact Sheet 3-19-16.docx>